

Attachment 1: Overview of Statutory Timelines

Prepared by NSIL, March 2005

MSA (FMPs)	MSA (regulations)	NEPA	ESA	CZMA	APA	EO 12866
0–Transmit 5–Pub. NOA (60 day cmt.) 10 15 20 - Pub Pro. Rule (45 day cmt.) 25 30 35 40 45 50 55 60 65 -----CPE/NOA and P.R. 70 75 (D.Day on 80 Rule w/in 30 85 days CPE /P.R.) 90 *95 ----- D.Day FMP 100 (and Rule if CPE on 105 day 65) Note that for NEPA compliance, the ROD on the EIS must be signed prior to MSA Day 95. The ROD on the EIS may not be signed sooner than 30 days after filing the FEIS. The FEIS should not be filed prior to signing the BO under ESA. And, because the FEIS should not be substantively different from the DEIS, the BO should be substantially completed prior to filing the DEIS for comment. (If significant new information arises after publication of the DEIS, it may be necessary to circulate a revised DEIS for additional comment).	0–Transmit 5– Review for up to 15 days 10 15 20 - Pub Pro. Rule (15-60 day 25 cmt.) 30 35 – CPE between days 35 and 80 40 45 *F.R. must pub. w/30 50 days CPE, may not 55 precede FMP decision 60 65 – Earliest possible deadline 70 for FR if no FMP and 15 day 75 cmt.; or CPE if 45 day cmt 80 – CPE if 60 day cmt. 85 90 *95 ----- FR must pub b/t 100 days 65 and 110 - may 105 NOT pub prior to dec. 110 on FMP -If 45 day cmt. must pub by Day 95.	0---- EPA publishes DEIS 5 w/45 day minimum 10 comment period 15 (Final decision cannot 20 be made sooner than 25 90 days after pub. DEIS) 30 35 40 Earliest possible 45 --- CPE on DEIS [53]-----File FEIS w/EPA 55 to act on day 90* 60 -----EPA must publish 65 FEIS by day 60 in order 70 for agency to act on day 90. 75 (must wait 30 days after 80 pub. FEIS to sign ROD). 85 90----- Earliest possible 95 day to sign NEPA ROD 100 105 110 *Note that EPA publishes items the Friday after the week in which EPA receives them. In order for EPA to publish FEIS on day 60, NOAA would have to file by day 53, and day 53 would have to be a Friday. The agency would have 1 week to turn the DEIS into an FEIS and respond to comment. For planning purposes, expect the NEPA process to exceed the hypothetical 90 day schedule.	0---- I.d. action/Initiate Consultation 5 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90-- Complete consultation w/in 95 90 days (unless extended up to 100 60 days more) [*Pursuant 105 to OGs, provide here a 110 Consultation Assessment] 115 120 Complete BO w/in 45 125 of consultation (or 55 if 130 late comments recv'd) 135 ----- [Pursuant to OGs, draft 140 BO is completed later, 145 during cmt. on DEIS]. 150-- (complete consultation 155 here if extended) 160 165 170 175 180 185 190 195----- Complete BO if 200 consultation extended 205 ----- and if late comments	0---- Agency provides 5 consistency 10 determ. 15 to State 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 ---- Earliest possible action day (unless State agrees otherwise)	0---- Publication of 5 Final Rule 10 15 20 25 30-- 30-day delay in 35 effectiveness 40 (unless waived). 45 50 55 60	*determination of significance (10 days) 0---- Submission 5 of Reg. text & 10 cost/ben 15 analysis for 20 “significant” 25 actions 30 35 40 45 50 55 60 65 70 75 80 85 90 ---- Deadline for conclusion of OMB review

*Note that the clocks on these various requirements do not all start on the same day. Day 1 is determined for each individual statute based on the triggering of a criterion. For example, Council submission of an FMP or regulation starts the MSA clock. Publication of the DEIS starts the NEPA clock. And initiation of consultation starts the ESA clock.